### 20A-9-101 (Superseded 01/01/15). Definitions.

As used in this chapter:

- (1) (a) "Candidates for elective office" means persons selected by a registered political party as party candidates to run in a regular general election.
  - (b) "Candidates for elective office" does not mean candidates for:
  - (i) justice or judge of court of record or not of record;
  - (ii) presidential elector;
  - (iii) any political party offices; and
  - (iv) municipal or local district offices.
- (2) "Constitutional office" means the state offices of governor, lieutenant governor, attorney general, state auditor, and state treasurer.
- (3) (a) "County office" means an elective office where the office holder is selected by voters entirely within one county.
  - (b) "County office" does not mean:
  - (i) the office of justice or judge of any court of record or not of record;
  - (ii) the office of presidential elector;
  - (iii) any political party offices;
  - (iv) any municipal or local district offices; and
  - (v) the office of United States Senator and United States Representative.
- (4) "Federal office" means an elective office for United States Senator and United States Representative.
  - (5) "Filing officer" means:
  - (a) the lieutenant governor, for:
  - (i) offices whose political division contains territory in two or more counties;
  - (ii) the office of United States Senator and United States Representative; and
  - (iii) all constitutional offices:
  - (b) the county clerk, for county offices and local school district offices;
  - (c) the city or town clerk, for municipal offices; and
  - (d) the local district clerk, for local district offices.
  - (6) "Local district office" means an elected office in a local district.
- (7) "Local government office" includes county offices, municipal offices, and local district offices and other elective offices selected by the voters from a political division entirely within one county.
- (8) (a) "Multi-county office" means an elective office where the office holder is selected by the voters from more than one county.
  - (b) "Multi-county office" does not mean:
  - (i) a county office;
  - (ii) a federal office:
  - (iii) the office of justice or judge of any court of record or not of record;
  - (iv) the office of presidential elector;
  - (v) any political party offices; and
  - (vi) any municipal or local district offices.
  - (9) "Municipal office" means an elective office in a municipality.
- (10) (a) "Political division" means a geographic unit from which an office holder is elected and that an office holder represents.
  - (b) "Political division" includes a county, a city, a town, a local district, a school

district, a legislative district, and a county prosecution district.

Amended by Chapter 329, 2007 General Session

20A-9-201 (Superseded 01/01/15). Declarations of candidacy -- Candidacy for more than one office or of more than one political party prohibited with exceptions -- General filing and form requirements -- Affidavit of impecuniosity.

- (1) Before filing a declaration of candidacy for election to any office, a person shall:
  - (a) be a United States citizen; and
  - (b) meet the legal requirements of that office.
  - (2) (a) Except as provided in Subsection (2)(b), a person may not:
- (i) file a declaration of candidacy for, or be a candidate for, more than one office in Utah during any election year; or
  - (ii) appear on the ballot as the candidate of more than one political party.
- (b) (i) A person may file a declaration of candidacy for, or be a candidate for, president or vice president of the United States and another office, if the person resigns the person's candidacy for the other office after the person is officially nominated for president or vice president of the United States.
- (ii) A person may file a declaration of candidacy for, or be a candidate for, more than one justice court judge office.
- (iii) A person may file a declaration of candidacy for lieutenant governor even if the person filed a declaration of candidacy for another office in the same election year if the person withdraws as a candidate for the other office in accordance with Subsection 20A-9-202(6) before filing the declaration of candidacy for lieutenant governor.
- (3) (a) (i) Except for presidential candidates, before the filing officer may accept any declaration of candidacy, the filing officer shall:
- (A) read to the prospective candidate the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
- (B) require the candidate to state whether or not the candidate meets those requirements.
- (ii) Before accepting a declaration of candidacy for the office of county attorney, the county clerk shall ensure that the person filing that declaration of candidacy is:
  - (A) a United States citizen:
- (B) an attorney licensed to practice law in Utah who is an active member in good standing of the Utah State Bar;
  - (C) a registered voter in the county in which the person is seeking office; and
- (D) a current resident of the county in which the person is seeking office and either has been a resident of that county for at least one year or was appointed and is currently serving as county attorney and became a resident of the county within 30 days after appointment to the office.
- (iii) Before accepting a declaration of candidacy for the office of district attorney, the county clerk shall ensure that, as of the date of the election, the person filing that declaration of candidacy is:
  - (A) a United States citizen;
  - (B) an attorney licensed to practice law in Utah who is an active member in good

standing of the Utah State Bar;

- (C) a registered voter in the prosecution district in which the person is seeking office; and
- (D) a current resident of the prosecution district in which the person is seeking office and either will have been a resident of that prosecution district for at least one year as of the date of the election or was appointed and is currently serving as district attorney and became a resident of the prosecution district within 30 days after receiving appointment to the office.
- (iv) Before accepting a declaration of candidacy for the office of county sheriff, the county clerk shall ensure that the person filing the declaration of candidacy:
  - (A) as of the date of filing:
  - (I) is a United States citizen;
  - (II) is a registered voter in the county in which the person seeks office;
- (III) (Aa) has successfully met the standards and training requirements established for law enforcement officers under Title 53, Chapter 6, Part 2, Peace Officer Training and Certification Act; or
  - (Bb) has met the waiver requirements in Section 53-6-206; and
- (IV) is qualified to be certified as a law enforcement officer, as defined in Section 53-13-103; and
- (B) as of the date of the election, shall have been a resident of the county in which the person seeks office for at least one year.
- (v) Before accepting a declaration of candidacy for the office of governor, lieutenant governor, state auditor, state treasurer, attorney general, state legislator, or State Board of Education member, the filing officer shall ensure:
- (A) that the person filing the declaration of candidacy also files the financial disclosure required by Section 20A-11-1603; and
- (B) if the filing officer is not the lieutenant governor, that the financial disclosure is provided to the lieutenant governor according to the procedures and requirements of Section 20A-11-1603.
- (b) If the prospective candidate states that the qualification requirements for the office are not met, the filing officer may not accept the prospective candidate's declaration of candidacy.
- (c) If the candidate meets the requirements of Subsection (3)(a) and states that the requirements of candidacy are met, the filing officer shall:
  - (i) inform the candidate that:
- (A) the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
- (B) the candidate may be required to comply with state or local campaign finance disclosure laws; and
- (C) the candidate is required to file a financial statement before the candidate's political convention under:
  - (I) Section 20A-11-204 for a candidate for constitutional office:
  - (II) Section 20A-11-303 for a candidate for the Legislature; or
  - (III) local campaign finance disclosure laws, if applicable;
- (ii) except for a presidential candidate, provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and

inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
  - (A) signing the pledge is voluntary; and
  - (B) signed pledges shall be filed with the filing officer;
  - (v) accept the candidate's declaration of candidacy; and
- (vi) if the candidate has filed for a partisan office, provide a certified copy of the declaration of candidacy to the chair of the county or state political party of which the candidate is a member.
- (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
  - (i) accept the candidate's pledge; and
- (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- (4) (a) Except for presidential candidates, the form of the declaration of candidacy shall be substantially as follows:"State of Utah, County of

I,, declare my intention of becoming a candidate for the
ffice of as a candidate for the party. I do solemnly swear that: I will
neet the qualifications to hold the office, both legally and constitutionally, if
elected; I reside at in the City or Town of, Utah, Zip Code
Phone No; I will not knowingly violate any law governing campaigns and elections; I will file all campaign financial disclosure reports as required by aw; and I understand that failure to do so will result in my disqualification as a andidate for this office and removal of my name from the ballot. The mailing ddress that I designate for receiving official election notices is
 <del></del>
ubscribed and sworn before me this(month\day\year).
Notary Public (or other officer qualified to administer oath.)"

- (b) An agent designated to file a declaration of candidacy under Section 20A-9-202 may not sign the form described in Subsection (4)(a).
- (5) (a) Except for presidential candidates, the fee for filing a declaration of candidacy is:
  - (i) \$50 for candidates for the local school district board; and
- (ii) \$50 plus 1/8 of 1% of the total salary for the full term of office legally paid to the person holding the office for all other federal, state, and county offices.
- (b) Except for presidential candidates, the filing officer shall refund the filing fee to any candidate:
  - (i) who is disqualified; or
  - (ii) who the filing officer determines has filed improperly.

- (c) (i) The county clerk shall immediately pay to the county treasurer all fees received from candidates.
  - (ii) The lieutenant governor shall:
- (A) apportion to and pay to the county treasurers of the various counties all fees received for filing of nomination certificates or acceptances; and
- (B) ensure that each county receives that proportion of the total amount paid to the lieutenant governor from the congressional district that the total vote of that county for all candidates for representative in Congress bears to the total vote of all counties within the congressional district for all candidates for representative in Congress.
- (d) (i) A person who is unable to pay the filing fee may file a declaration of candidacy without payment of the filing fee upon a prima facie showing of impecuniosity as evidenced by an affidavit of impecuniosity filed with the filing officer and, if requested by the filing officer, a financial statement filed at the time the affidavit is submitted.
  - (ii) A person who is able to pay the filing fee may not claim impecuniosity.
- (iii) (A) False statements made on an affidavit of impecuniosity or a financial statement filed under this section shall be subject to the criminal penalties provided under Sections 76-8-503 and 76-8-504 and any other applicable criminal provision.
- (B) Conviction of a criminal offense under Subsection (5)(d)(iii)(A) shall be considered an offense under this title for the purposes of assessing the penalties provided in Subsection 20A-1-609(2).
- (iv) The filing officer shall ensure that the affidavit of impecuniosity is printed in substantially the following form:

"Affidavit of Impecuniosity

Individual Name	
Address	
Phone Number	
I, (name), do solemnly [swear] [affirr	m], under penalty o
law for false statements, that, owing to my poverty, I am unable to pa	ay the filing fee
required by law.	
Date	
Signature	_ Af fiant
Subscribed and sworn to before me on (month\day\ye	ear)
	/-:
N	(signature
Name and Title of Officer Authorized to Administer Oath	•

(v) The filing officer shall provide to a person who requests an affidavit of impecuniosity a statement printed in substantially the following form, which may be included on the affidavit of impecuniosity:

"Filing a false statement is a criminal offense. In accordance with Section 20A-1-609, a candidate who is found guilty of filing a false statement, in addition to being subject to criminal penalties, will be removed from the ballot."

- (vi) The filing officer may request that a person who makes a claim of impecuniosity under this Subsection (5)(d) file a financial statement on a form prepared by the election official.
- (6) (a) If there is no legislative appropriation for the Western States Presidential Primary election, as provided in Part 8, Western States Presidential Primary, a

candidate for president of the United States who is affiliated with a registered political party and chooses to participate in the regular primary election shall:

- (i) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor:
  - (A) on a form developed and provided by the lieutenant governor; and
- (B) on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular primary election;
- (ii) identify the registered political party whose nomination the candidate is seeking;
- (iii) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and
  - (iv) pay the filing fee of \$500.
- (b) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (6)(a)(i)(A).
- (7) Any person who fails to file a declaration of candidacy or certificate of nomination within the time provided in this chapter is ineligible for nomination to office.
- (8) A declaration of candidacy filed under this section may not be amended or modified after the final date established for filing a declaration of candidacy.

Amended by Chapter 145, 2013 General Session Amended by Chapter 317, 2013 General Session

# 20A-9-202 (Superseded 01/01/15). Declarations of candidacy for regular general elections -- Requirements for candidates.

- (1) (a) Each person seeking to become a candidate for elective office for any county office that is to be filled at the next regular general election shall:
- (i) file a declaration of candidacy in person with the county clerk on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (ii) pay the filing fee.
- (b) Each person intending to become a candidate for any legislative office or multicounty office that is to be filled at the next regular general election shall:
- (i) file a declaration of candidacy in person with either the lieutenant governor or the county clerk in the candidate's county of residence on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election: and
  - (ii) pay the filing fee.
- (c) (i) Each county clerk who receives a declaration of candidacy from a candidate for multicounty office shall transmit the filing fee and a copy of the candidate's declaration of candidacy to the lieutenant governor within one working day after it is filed.
- (ii) Each day during the filing period, each county clerk shall notify the lieutenant governor electronically or by telephone of legislative candidates who have filed in their office.
  - (d) Each person seeking to become a candidate for elective office for any

federal office or constitutional office that is to be filled at the next regular general election shall:

- (i) file a declaration of candidacy in person with the lieutenant governor on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (ii) pay the filing fee.
- (e) Each person seeking the office of lieutenant governor, the office of district attorney, or the office of president or vice president of the United States shall comply with the specific declaration of candidacy requirements established by this section.
- (2) (a) Each person intending to become a candidate for the office of district attorney within a multicounty prosecution district that is to be filled at the next regular general election shall:
- (i) file a declaration of candidacy with the clerk designated in the interlocal agreement creating the prosecution district on or after the second Friday in March and before 5 p.m. on the third Thursday in March before the next regular general election; and
  - (ii) pay the filing fee.
- (b) The designated clerk shall provide to the county clerk of each county in the prosecution district a certified copy of each declaration of candidacy filed for the office of district attorney.
- (3) (a) Within five working days of nomination, each lieutenant governor candidate shall:
  - (i) file a declaration of candidacy with the lieutenant governor; and
  - (ii) pay the filing fee.
- (b) (i) Any candidate for lieutenant governor who fails to file within five working days is disqualified.
- (ii) If a lieutenant governor is disqualified, another candidate shall be nominated to replace the disqualified candidate.
  - (4) Each registered political party shall:
- (a) certify the names of its candidates for president and vice president of the United States to the lieutenant governor no later than August 31; or
- (b) provide written authorization for the lieutenant governor to accept the certification of candidates for president and vice president of the United States from the national office of the registered political party.
- (5) (a) A declaration of candidacy filed under this section is valid unless a written objection is filed with the clerk or lieutenant governor within five days after the last day for filing.
  - (b) If an objection is made, the clerk or lieutenant governor shall:
- (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
  - (ii) decide any objection within 48 hours after it is filed.
- (c) If the clerk or lieutenant governor sustains the objection, the candidate may cure the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.
  - (d) (i) The clerk's or lieutenant governor's decision upon objections to form is

final.

- (ii) The clerk's or lieutenant governor's decision upon substantive matters is reviewable by a district court if prompt application is made to the court.
- (iii) The decision of the district court is final unless the Supreme Court, in the exercise of its discretion, agrees to review the lower court decision.
- (6) Any person who filed a declaration of candidacy may withdraw as a candidate by filing a written affidavit with the clerk.
- (7) Except as provided in Subsection 20A-9-201(4)(b), notwithstanding a requirement in this section to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection 20A-9-201(4) in person with the filing officer if:
  - (a) the person is located outside the state during the filing period because:
  - (i) of employment with the state or the United States; or
  - (ii) the person is a member of:
- (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
  - (C) the National Guard on activated status;
- (b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other; and
- (c) the person provides the filing officer with an email address to which the filing officer may send the copies described in Subsection 20A-9-201(3).

Amended by Chapter 317, 2013 General Session

## 20A-9-202.5. Declaration of candidacy -- Western States Presidential Primary.

- (1) As used in this section:
- (a) "Presidential candidate" means a person seeking nomination for President of the United States from a Utah registered political party.
- (b) "Utah registered political party" means a political party that has complied with the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.
- (2) Each presidential candidate, or the candidate's designated agent, shall file a declaration of candidacy with the lieutenant governor as provided in:
- (a) Section 20A-9-803, for participation in the Western States Presidential Primary election; or
  - (b) Section 20A-9-201, for participation in the regular primary election.

Amended by Chapter 2, 2011 Special Session 3

### 20A-9-203. Declarations of candidacy -- Municipal general elections.

- (1) (a) (i) A person may become a candidate for any municipal office if:
- (A) the person is a registered voter; and

- (B) (I) the person has resided within the municipality in which that person seeks to hold elective office for the 12 consecutive months immediately before the date of the election; or
- (II) if the territory in which the person resides was annexed into the municipality, the person has resided within the annexed territory or the municipality the 12 consecutive months immediately before the date of the election.
- (ii) For purposes of determining whether a person meets the residency requirement of Subsection (1)(a)(i)(B)(I) in a municipality that was incorporated less than 12 months before the election, the municipality shall be considered to have been incorporated 12 months before the date of the election.
- (b) In addition to the requirements of Subsection (1)(a), each candidate for a municipal council position shall, if elected from a district, be a resident of the council district from which elected.
- (c) In accordance with Utah Constitution Article IV, Section 6, any mentally incompetent person, any person convicted of a felony, or any person convicted of treason or a crime against the elective franchise may not hold office in this state until the right to hold elective office is restored under Section 20A-2-101.3 or 20A-2-101.5.
  - (2) (a) A person seeking to become a candidate for a municipal office shall:
- (i) file a declaration of candidacy, in person with the city recorder or town clerk, during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
  - (ii) pay the filing fee, if one is required by municipal ordinance.
- (b) Any resident of a municipality may nominate a candidate for a municipal office by:
- (i) filing a nomination petition with the city recorder or town clerk during the office hours described in Section 10-3-301 and not later than the close of those office hours, between June 1 and June 7 of any odd-numbered year; and
  - (ii) paying the filing fee, if one is required by municipal ordinance.
- (3) (a) Before the filing officer may accept any declaration of candidacy or nomination petition, the filing officer shall:
- (i) read to the prospective candidate or person filing the petition the constitutional and statutory qualification requirements for the office that the candidate is seeking; and
- (ii) require the candidate or person filing the petition to state whether the candidate meets those requirements.
- (b) If the prospective candidate does not meet the qualification requirements for the office, the filing officer may not accept the declaration of candidacy or nomination petition.
- (c) If it appears that the prospective candidate meets the requirements of candidacy, the filing officer shall:
- (i) inform the candidate that the candidate's name will appear on the ballot as it is written on the declaration of candidacy;
- (ii) provide the candidate with a copy of the current campaign financial disclosure laws for the office the candidate is seeking and inform the candidate that failure to comply will result in disqualification as a candidate and removal of the candidate's name from the ballot;

- (iii) provide the candidate with a copy of Section 20A-7-801 regarding the Statewide Electronic Voter Information Website Program and inform the candidate of the submission deadline under Subsection 20A-7-801(4)(a);
- (iv) provide the candidate with a copy of the pledge of fair campaign practices described under Section 20A-9-206 and inform the candidate that:
  - (A) signing the pledge is voluntary; and
  - (B) signed pledges shall be filed with the filing officer; and
  - (v) accept the declaration of candidacy or nomination petition.
- (d) If the candidate elects to sign the pledge of fair campaign practices, the filing officer shall:
  - (i) accept the candidate's pledge; and
- (ii) if the candidate has filed for a partisan office, provide a certified copy of the candidate's pledge to the chair of the county or state political party of which the candidate is a member.
- (4) Notwithstanding the requirement in Subsection (2)(a)(i) to file a declaration of candidacy in person, a person may designate an agent to file the form described in Subsection (5) in person with the city recorder or town clerk if:
  - (a) the person is located outside the state during the filing period because:
  - (i) of employment with the state or the United States; or
  - (ii) the person is a member of:
- (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
  - (C) the National Guard on activated status;
- (b) the person makes the declaration of candidacy described in Subsection (5) to a person qualified to administer an oath;
- (c) the person communicates with the city recorder or town clerk using an electronic device that allows the person and the city recorder or town clerk to see and hear each other; and
- (d) the person provides the city recorder or town clerk with an email address to which the filing officer may send the copies described in Subsection (3).(5) (a) The declaration of candidacy shall substantially comply with the following
- "I, (print name) \_\_\_\_\_, being first sworn, say that I reside at \_\_\_\_\_ Street, City of \_\_\_\_, County of \_\_\_\_\_, state of Utah, Zip Code \_\_\_\_\_, Telephone Number (if any) \_\_\_\_\_; that I am a registered voter; and that I am a candidate for the office of \_\_\_\_\_ (stating the term). I will meet the legal qualifications required of candidates for this office. I will file all campaign financial disclosure reports as required by law and I understand that failure to do so will result in my disqualification as a candidate for this office and removal of my name from the ballot. I request that my name be printed upon the applicable official ballots. (Signed) \_\_\_\_\_\_ Subscribed and sworn to (or affirmed) before me by \_\_\_\_\_ on this \_\_\_\_\_ (month\day\year).

  (Clerk or other officer qualified to administer oath)"

- (b) An agent designated to file a declaration of candidacy under Subsection (4) may not sign the form described in Subsection (5)(a).
- (6) (a) A registered voter may be nominated for municipal office by submitting a petition signed, with a holographic signature, by:
  - (i) 25 residents of the municipality who are at least 18 years old; or
  - (ii) 20% of the residents of the municipality who are at least 18 years old.
  - (b) (i) The petition shall substantially conform to the following form:

#### "NOMINATION PETITION

The undersigned residents of (name of municipality) being 18 years old or older nominate (name of nominee) to the office of \_\_\_\_ for the (two or four-year term, whichever is applicable)."

- (ii) The remainder of the petition shall contain lines and columns for the signatures of persons signing the petition and their addresses and telephone numbers.
- (7) If the declaration of candidacy or nomination petition fails to state whether the nomination is for the two or four-year term, the clerk shall consider the nomination to be for the four-year term.
- (8) (a) The clerk shall verify with the county clerk that all candidates are registered voters.
- (b) Any candidate who is not registered to vote is disqualified and the clerk may not print the candidate's name on the ballot.
- (9) Immediately after expiration of the period for filing a declaration of candidacy, the clerk shall:
- (a) cause the names of the candidates as they will appear on the ballot to be published:
- (i) in at least two successive publications of a newspaper with general circulation in the municipality; and
  - (ii) as required in Section 45-1-101; and
- (b) notify the lieutenant governor of the names of the candidates as they will appear on the ballot.
- (10) A declaration of candidacy or nomination petition filed under this section may not be amended after the expiration of the period for filing a declaration of candidacy.
- (11) (a) A declaration of candidacy or nomination petition filed under this section is valid unless a written objection is filed with the clerk within five days after the last day for filing.
  - (b) If an objection is made, the clerk shall:
- (i) mail or personally deliver notice of the objection to the affected candidate immediately; and
  - (ii) decide any objection within 48 hours after it is filed.
- (c) If the clerk sustains the objection, the candidate may correct the problem by amending the declaration or petition within three days after the objection is sustained or by filing a new declaration within three days after the objection is sustained.
  - (d) (i) The clerk's decision upon objections to form is final.
- (ii) The clerk's decision upon substantive matters is reviewable by a district court if prompt application is made to the district court.
  - (iii) The decision of the district court is final unless the Supreme Court, in the

exercise of its discretion, agrees to review the lower court decision.

(12) Any person who filed a declaration of candidacy and was nominated, and any person who was nominated by a nomination petition, may, any time up to 23 days before the election, withdraw the nomination by filing a written affidavit with the clerk.

Amended by Chapter 38, 2014 General Session

#### 20A-9-204. Inducements not to become candidate.

- (1) (a) It is unlawful for any person to pay or reward, or promise to pay or reward, another in any manner or form for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.
- (b) It is unlawful for any person to solicit any payment, promise, or reward from another for the purpose of inducing that other person to be, or to refrain from or cease being, a candidate.
  - (2) Any person who violates this section is guilty of a class B misdemeanor.

Enacted by Chapter 1, 1994 General Session

## 20A-9-206. Fair campaign practices -- Voluntary pledge -- Pledge is a public record -- Retention requirements.

- (1) Each person seeking to become a candidate for any elective office that is to be filled at the next election shall be provided with a copy of the pledge of fair campaign practices.
  - (2) The pledge shall be in the following form:

"PLEDGE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of Utah has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their right to a free election, and that the will of the people may be fully and clearly expressed on the issues.

#### THEREFORE:

I SHALL conduct my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing, without fear or favor, the record and policies of my opponents that I believe merit criticism.

I SHALL NOT use, nor shall I permit the use of, scurrilous attacks on any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, defamation, libel, or slander against any candidate or the candidate's immediate family. I shall not participate in, nor shall I permit the use of, any other criticism of any candidate or the candidate's immediate family that I do not believe to be truthful, provable, and relevant to my campaign.

I SHALL NOT use, nor shall I permit the use of, any practice that tends to corrupt or undermine our American system of free elections, or that hinders or prevents the free expression of the will of the voters, including practices intended to hinder or prevent any eligible person from registering to vote or voting.

I SHALL NOT coerce election help or campaign contributions for myself or for

any other candidate from my employees or volunteers.

I SHALL immediately and publicly repudiate support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of an opponent, to methods in violation of the letter or spirit of this pledge. I shall accept responsibility to take firm action against any subordinate who violates any provision of this pledge or the laws governing elections.

I SHALL defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of Utah, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

Name:			_	
Signature: _			Date:	

- (3) The filing officer shall print, or cause to be printed, blank forms of the pledge to be distributed to persons filing a declaration of candidacy.
- (4) A pledge that is submitted for filing by a candidate is a public record under Title 63G, Chapter 2, Government Records Access and Management Act.
  - (5) The filing officer shall:
  - (a) accept all signed pledges that are submitted for filing; and
- (b) retain each filed pledge for public inspection for 30 calendar days after the election.
- (6) A candidate may not be required to subscribe to, endorse, or sign the pledge of fair campaign practices.

Amended by Chapter 202, 2009 General Session

### 20A-9-401. Primary elections.

- (1) This part shall be construed liberally so as to ensure full opportunity for persons to become candidates and for voters to express their choice.
- (2) This part may not be construed to govern or regulate the internal procedures of a registered political party.

Enacted by Chapter 1, 1994 General Session

## 20A-9-402. General requirements for all primary elections.

- (1) Except as provided in Subsection (2), the lieutenant governor, county clerks, and election judges shall follow the procedures and requirements of this title in administering primary elections.
- (2) If there is any conflict between any provision of this part and any other sections in Title 20A, this part takes precedence.

Amended by Chapter 3, 1996 Special Session 2

### 20A-9-403 (Superseded 01/01/15). Regular primary elections.

(1) (a) The fourth Tuesday of June of each even-numbered year is designated as regular primary election day.

- (b) Each registered political party that chooses to use the primary election process to nominate some or all of its candidates shall comply with the requirements of this section.
- (2) (a) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:
  - (i) declare their intent to participate in the primary election;
- (ii) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and
- (iii) certify that information to the lieutenant governor no later than 5 p.m. on March 1 of each even-numbered year.
- (b) As a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:
- (i) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot; and
- (ii) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on the first Monday after the third Saturday in April of each even-numbered year and indicate which of the candidates will be on the primary ballot.
- (c) By 5 p.m. on the first Wednesday after the third Saturday in April of each even-numbered year, the lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates, multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the candidates are to appear on the ballot in accordance with Section 20A-6-305.
- (d) Except for presidential candidates, if a registered political party does not wish to participate in the primary election, it shall submit the names of its county candidates to the county clerks and the names of all of its candidates to the lieutenant governor by 5 p.m. on May 30 of each even-numbered year.
  - (3) The county clerk shall:
- (a) review the declarations of candidacy filed by candidates for local boards of education to determine if more than two candidates have filed for the same seat;
- (b) place the names of all candidates who have filed a declaration of candidacy for a local board of education seat on the nonpartisan section of the ballot if more than two candidates have filed for the same seat; and
- (c) determine the order of the candidates' names on the ballot in accordance with Section 20A-6-305.
- (4) After the county clerk receives the certified list from a registered political party, the county clerk shall post or publish a primary election notice in substantially the following form:

"Notice is given that a primary election will be held Tuesday, Ju	ne	,
(year), to nominate party candidates for the parties and non	partisa	n offices
listed on the primary ballot. The polling place for voting precinct	is	The
polls will open at 7 a.m. and continue open until 8 p.m. of the same da	ıy. Atte	est: county
clerk "		

- (5) (a) Candidates, other than presidential candidates, receiving the highest number of votes cast for each office at the regular primary election are nominated by their party or nonpartisan group for that office.
- (b) If two or more candidates, other than presidential candidates, are to be elected to the office at the regular general election, those party candidates equal in number to positions to be filled who receive the highest number of votes at the regular primary election are the nominees of their party for those positions.
- (6) (a) When a tie vote occurs in any primary election for any national, state, or other office that represents more than one county, the governor, lieutenant governor, and attorney general shall, at a public meeting called by the governor and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the governor determines.
- (b) When a tie vote occurs in any primary election for any county office, the district court judges of the district in which the county is located shall, at a public meeting called by the judges and in the presence of the candidates involved, select the nominee by lot cast in whatever manner the judges determine.
- (7) The expense of providing all ballots, blanks, or other supplies to be used at any primary election provided for by this section, and all expenses necessarily incurred in the preparation for or the conduct of that primary election shall be paid out of the treasury of the county or state, in the same manner as for the regular general elections.

Amended by Chapter 317, 2013 General Session

### 20A-9-403.1. Certification of candidates for 2014 calendar year.

- (1) Notwithstanding Subsection 20A-9-403(2)(b), for the 2014 calendar year only, as a condition for using the state's election system, each registered political party that wishes to participate in the primary election shall:
- (a) certify the name and office of all of the registered political party's candidates to the lieutenant governor no later than 5 p.m. on April 28, 2014, and indicate which of the candidates will be on the primary ballot; and
- (b) certify the name and office of each of its county candidates to the county clerks by 5 p.m. on April 28, 2014, and indicate which of the candidates will be on the primary ballot.
- (2) Notwithstanding Subsection 20A-9-403(2)(c), for the 2014 calendar year only, by 5 p.m. on April 29, 2014, the lieutenant governor shall send the county clerks a certified list of the names of all statewide candidates, multicounty candidates, or single county candidates that shall be printed on the primary ballot and the order the candidates are to appear on the ballot in accordance with Section 20A-6-305.

Enacted by Chapter 3, 2014 General Session

## 20A-9-404. Municipal primary elections.

- (1) (a) Except as otherwise provided in this section, candidates for municipal office in all municipalities shall be nominated at a municipal primary election.
  - (b) Municipal primary elections shall be held:
  - (i) consistent with Section 20A-1-201.5, on the second Tuesday following the

first Monday in the August before the regular municipal election; and

- (ii) whenever possible, at the same polling places as the regular municipal election.
- (2) If the number of candidates for a particular municipal office does not exceed twice the number of persons needed to fill that office, a primary election for that office may not be held and the candidates are considered nominated.
- (3) (a) For purposes of this Subsection (3), "convention" means an organized assembly of voters or delegates.
- (b) (i) By ordinance adopted before the May 1 that falls before a regular municipal election, any third, fourth, or fifth class city or town may exempt itself from a primary election by providing that the nomination of candidates for municipal office to be voted upon at a municipal election be nominated by a political party convention or committee.
- (ii) Any primary election exemption ordinance adopted under the authority of this subsection remains in effect until repealed by ordinance.
- (c) (i) A convention or committee may not nominate more than one group of candidates or have placed on the ballot more than one group of candidates for the municipal offices to be voted upon at the municipal election.
- (ii) A convention or committee may nominate a person who has been nominated by a different convention or committee.
- (iii) A political party may not have more than one group of candidates placed upon the ballot and may not group the same candidates on different tickets by the same party under a different name or emblem.
- (d) (i) The convention or committee shall prepare a certificate of nomination for each person nominated.
  - (ii) The certificate of nomination shall:
- (A) contain the name of the office for which each person is nominated, the name, post office address, and, if in a city, the street number of residence and place of business, if any, of each person nominated;
- (B) designate in not more than five words the political party that the convention or committee represents;
- (C) contain a copy of the resolution passed at the convention that authorized the committee to make the nomination;
- (D) contain a statement certifying that the name of the candidate nominated by the political party will not appear on the ballot as a candidate for any other political party;
- (E) be signed by the presiding officer and secretary of the convention or committee; and
- (F) contain a statement identifying the residence and post office address of the presiding officer and secretary and certifying that the presiding officer and secretary were officers of the convention or committee and that the certificates are true to the best of their knowledge and belief.
- (iii) Certificates of nomination shall be filed with the clerk not later than 80 days before the municipal general election.
- (e) A committee appointed at a convention, if authorized by an enabling resolution, may also make nominations or fill vacancies in nominations made at a

convention.

- (f) The election ballot shall substantially comply with the form prescribed in Title 20A, Chapter 6, Part 4, Ballot Form Requirements for Municipal Elections, but the party name shall be included with the candidate's name.
- (4) (a) Any third, fourth, or fifth class city may adopt an ordinance before the May 1 that falls before the regular municipal election that:
- (i) exempts the city from the other methods of nominating candidates to municipal office provided in this section; and
- (ii) provides for a partisan primary election method of nominating candidates as provided in this Subsection (4).
- (b) (i) Any party that was a registered political party at the last regular general election or regular municipal election is a municipal political party under this section.
- (ii) Any political party may qualify as a municipal political party by presenting a petition to the city recorder that:
- (A) is signed, with a holographic signature, by registered voters within the municipality equal to at least 20% of the number of votes cast for all candidates for mayor in the last municipal election at which a mayor was elected;
  - (B) is filed with the city recorder by May 31 of any odd-numbered year;
- (C) is substantially similar to the form of the signature sheets described in Section 20A-7-303; and
- (D) contains the name of the municipal political party using not more than five words.
- (c) (i) If the number of candidates for a particular office does not exceed twice the number of offices to be filled at the regular municipal election, no partisan primary election for that office shall be held and the candidates are considered to be nominated.
- (ii) If the number of candidates for a particular office exceeds twice the number of offices to be filled at the regular municipal election, those candidates for municipal office shall be nominated at a partisan primary election.
  - (d) The clerk shall ensure that:
- (i) the partisan municipal primary ballot is similar to the ballot forms required by Sections 20A-6-401 and 20A-6-401.1;
- (ii) the candidates for each municipal political party are listed in one or more columns under their party name and emblem;
- (iii) the names of candidates of all parties are printed on the same ballot, but under their party designation;
- (iv) every ballot is folded and perforated so as to separate the candidates of one party from those of the other parties and so as to enable the elector to separate the part of the ballot containing the names of the party of his choice from the remainder of the ballot; and
- (v) the side edges of all ballots are perforated so that the outside sections of the ballots, when detached, are similar in appearance to inside sections when detached.
  - (e) After marking a municipal primary ballot, the voter shall:
- (i) detach the part of the ballot containing the names of the candidates of the party he has voted from the rest of the ballot;
- (ii) fold the detached part so that its face is concealed and deposit it in the ballot box; and

- (iii) fold the remainder of the ballot containing the names of the candidates of the parties for whom the elector did not vote and deposit it in the blank ballot box.
- (f) Immediately after the canvass, the election judges shall, without examination, destroy the tickets deposited in the blank ballot box.

Amended by Chapter 402, 2013 General Session

### 20A-9-501. Candidates not affiliated with a party -- General requirements.

- (1) (a) Candidates for public office who do not wish to affiliate with a registered political party may obtain a position on the ballot by following the procedures and requirements of this part.
- (b) Upon compliance with the provisions of this part, the unaffiliated candidate is entitled to all the rights and subject to all the penalties of candidates selected by a registered political party.
- (2) A candidate who has filed a declaration of candidacy may not file a certificate of nomination as an unaffiliated candidate in the same year.
- (3) The courts shall construe this part liberally so as to give unaffiliated candidates for public office every reasonable opportunity to make their candidacy effective.

Amended by Chapter 21, 1994 General Session

## 20A-9-502. Certificate of nomination -- Contents -- Circulation -- Verification -- Criminal penalty.

- (1) The candidate shall:
- (a) prepare a certificate of nomination in substantially the following form: "State of Utah, County of

- (b) bind signature sheets to the certificate that:
- (i) are printed on sheets of paper 8-1/2 inches long and 11 inches wide;
- (ii) are ruled with a horizontal line 3/4 inch from the top, with the space above

that line blank for the purpose of binding;

- (iii) contain the name of the proposed candidate and the words "Unaffiliated Candidate Certificate of Nomination Petition" printed directly below the horizontal line;
- (iv) contain the word "Warning" printed directly under the words described in Subsection (1)(b)(iii);
- (v) contain, to the right of the word "Warning," the following statement printed in not less than eight-point, single leaded type:

"It is a class A misdemeanor for anyone to knowingly sign a certificate of nomination signature sheet with any name other than the person's own name or more than once for the same candidate or if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures.";

(vi) contain the following statement directly under the statement described in Subsection (1)(b)(v):

"Each signer says:

I have personally signed this petition with a holographic signature;

I am registered to vote in Utah or intend to become registered to vote in Utah before the county clerk certifies my signature; and

My street address is written correctly after my name.";

- (vii) contain horizontally ruled lines, 3/8 inch apart under the statement described in Subsection (1)(b)(vi); and
  - (viii) be vertically divided into columns as follows:
- (A) the first column shall appear at the extreme left of the sheet, be 5/8 inch wide, be headed with "For Office Use Only," and be subdivided with a light vertical line down the middle;
- (B) the next column shall be 2-1/2 inches wide, headed "Registered Voter's Printed Name (must be legible to be counted)";
- (C) the next column shall be 2-1/2 inches wide, headed "Holographic Signature of Registered Voter";
- (D) the next column shall be one inch wide, headed "Birth Date or Age (Optional)";
- (E) the final column shall be 4-3/8 inches wide, headed "Street Address, City, Zip Code"; and
- (F) at the bottom of the sheet, contain the following statement: "Birth date or age information is not required, but it may be used to verify your identity with voter registration records. If you choose not to provide it, your signature may not be certified as a valid signature if you change your address before petition signatures are certified or if the information you provide does not match your voter registration records."; and
- (c) bind a final page to one or more signature sheets that are bound together that contains, except as provided by Subsection (3), the following printed statement:

v <del>C</del> illication	
State of Utah, County of _	
I,, of _	, hereby state that:
I am a Utah resident and	am at least 18 years old;

All the names that appear on the signature sheets bound to this page were signed by persons who professed to be the persons whose names appear on the

signature sheets, and each of them signed the person's name on the signature sheets in my presence;

I believe that each has printed and signed the person's name and written the person's street address correctly, and that each signer is registered to vote in Utah or will register to vote in Utah before the county clerk certifies the signatures on the signature sheet.

(Signature) (Residence Address) (Date)".

- (2) An agent designated to file a certificate of nomination under Subsection 20A-9-503(4) may not sign the form described in Subsection (1)(a).
- (3) (a) The candidate shall circulate the nomination petition and ensure that the person in whose presence each signature sheet is signed:
  - (i) is at least 18 years old;
- (ii) except as provided by Subsection (3)(b), meets the residency requirements of Section 20A-2-105; and
- (iii) verifies each signature sheet by completing the verification bound to one or more signature sheets that are bound together.
- (b) A person who is not a resident may sign the verification on a petition for an unaffiliated candidate for the office of president of the United States.
- (c) A person may not sign the verification if the person signed a signature sheet bound to the verification.
  - (4) (a) It is unlawful for any person to:
  - (i) knowingly sign a certificate of nomination signature sheet:
  - (A) with any name other than the person's own name;
  - (B) more than once for the same candidate; or
- (C) if the person is not registered to vote in this state and does not intend to become registered to vote in this state before the county clerk certifies the signatures; or
- (ii) sign the verification of a certificate of nomination signature sheet if the person:
- (A) except as provided by Subsection (3)(b), does not meet the residency requirements of Section 20A-2-105;
- (B) has not witnessed the signing by those persons whose names appear on the certificate of nomination signature sheet; or
- (C) knows that a person whose signature appears on the certificate of nomination signature sheet is not registered to vote in this state and does not intend to become registered to vote in this state.
  - (b) Any person violating this Subsection (4) is guilty of a class A misdemeanor.
- (5) (a) The candidate shall submit the petition and signature sheets to the county clerk for certification when the petition has been completed by:
- (i) at least 1,000 registered voters residing within the state when the nomination is for an office to be filled by the voters of the entire state; or
- (ii) at least 300 registered voters residing within a political division or at least 5% of the registered voters residing within a political division, whichever is less, when the

nomination is for an office to be filled by the voters of any political division smaller than the state.

- (b) In reviewing the petition, the county clerk shall count and certify only those persons who signed the petition with a holographic signature who:
- (i) are registered voters within the political division that the candidate seeks to represent; and
  - (ii) did not sign any other certificate of nomination for that office.
- (c) The candidate may supplement or amend the certificate of nomination at any time on or before the filing deadline.

Amended by Chapter 253, 2013 General Session Amended by Chapter 317, 2013 General Session

#### 20A-9-503. Certificate of nomination -- Filing -- Fees.

- (1) After the certificate of nomination has been certified, executed, and acknowledged by the county clerk, the candidate shall:
- (a) between the second Friday in March and the close of normal office hours on the third Thursday in March of the year in which the regular general election will be held, file the petition in person with:
- (i) the lieutenant governor, if the office the candidate seeks is a constitutional office or a federal office; or
  - (ii) the county clerk, if the office the candidate seeks is a county office; and
  - (iii) pay the filing fee; or
- (b) not later than the close of normal office hours on June 15 of any odd-numbered year, file the petition in person with:
  - (i) the municipal clerk, if the candidate seeks an office in a city or town;
  - (ii) the local district clerk, if the candidate seeks an office in a local district; and
  - (iii) pay the filing fee.
- (2) (a) At the time of filing, and before accepting the petition, the filing officer shall read the constitutional and statutory requirements for candidacy to the candidate.
- (b) If the candidate states that he does not meet the requirements, the filing officer may not accept the petition.
- (3) (a) Persons filing a certificate of nomination for president of the United States under this section shall pay a filing fee of \$500.
- (b) Notwithstanding Subsection (1), a person filing a certificate of nomination for president or vice president of the United States:
- (i) may file the certificate of nomination between the second Friday in March and the close of normal office hours on August 15 of the year in which the regular general election will be held; and
  - (ii) may use a designated agent to file the certificate of nomination.
- (c) An agent designated to file the certificate of nomination may not sign the certificate of nomination form.
- (4) Notwithstanding the requirement in Subsection (1) to file a certificate of nomination in person, a person may designate an agent to file the certificate of nomination in person with the filing officer if:
  - (a) the person is located outside the state during the filing period because:

- (i) of employment with the state or the United States; or
- (ii) the person is a member of:
- (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
  - (C) the National Guard on activated status; and
- (b) the person communicates with the filing officer using an electronic device that allows the person and the filing officer to see and hear each other.

Amended by Chapter 317, 2013 General Session

#### 20A-9-504. Unaffiliated candidates -- Governor.

- (1) Each unaffiliated candidate for governor shall, before July 1 of the regular general election year, select a running mate to file as an unaffiliated candidate for the office of lieutenant governor.
- (2) The unaffiliated lieutenant governor candidate shall, by July 1 of the regular general election year, file as an unaffiliated candidate by following the procedures and requirements of this part.

Enacted by Chapter 258, 1996 General Session

## 20A-9-601. Qualifying as a write-in candidate.

(1) (a) Each person wishing to become a valid write-in candidate shall file a declaration of candidacy in person, or through a designated agent for a candidate for president or vice president of the United States, with the appropriate filing officer not later than 60 days before the regular general election or a municipal general election in which the person intends to be a write-in candidate.

(b) (i) The form of the declaration of candidacy for all offices, except president of

(b) (i) The form of the declaration of ca	indidacy for all offices, except president of
the United States, is substantially as follows:	
"State of Utah, County of	
I,, declare my intention	on of becoming a candidate for the office
of for the district (if applicable). I d	o solemnly swear that: I will meet the
qualifications to hold the office, both legally an	d constitutionally, if selected; I reside at
in the City or Town of, l	Jtah, Zip Code, Phone No; I
will not knowingly violate any law governing ca	impaigns and elections; I will file all
campaign financial disclosure reports as requi	red by law; and I understand that failure
to do so will result in my disqualification as a c	andidate for this office and removal of my
name from the ballot. The mailing address that	at I designate for receiving official election
notices is	
Subscribed and sworn before me this	(month\day\year).

Notary Public (or other officer qualified to administer oath)."

(ii) The form of the declaration of candidacy for president of the United States is

substantially as follows:					
"State of Utah, County of					
I,, declare my intention of becoming a candidate for the office					
of the president of the United States. I do solemnly swear that: I will meet the					
qualifications to hold the office, both legally and constitutionally, if selected; I reside at in the City or Town of, State, Zip Code, Phone No.					
; I will not knowingly violate any law governing campaigns and elections. The					
mailing address that I designate for receiving official election notices is					
as my vice					
presidential candidate.					
Subscribed and sworn before me this(month\day\year).					
Notary Public (or other officer qualified to administer oath.)"					
(iii) An agent designated to file a declaration of candidacy under Subsection (2)					
may not sign the form described in Subsection (1)(b)(i) or (ii).					
(c) (i) The filing officer shall:					
(A) read to the candidate the constitutional and statutory requirements for the					
office; and					

- (B) ask the candidate whether or not the candidate meets the requirements.
- (ii) If the candidate cannot meet the requirements of office, the filing officer may not accept the write-in candidate's declaration of candidacy.
- (2) Notwithstanding the requirement in Subsection (1) to file a declaration of candidacy in person, a person may designate an agent to file the declaration of candidacy in person with the filing officer if:
  - (a) the person is located outside the state during the filing period because:
  - (i) of employment with the state or the United States; or
  - (ii) the person is a member of:
- (A) the active or reserve components of the Army, Navy, Air Force, Marine Corps, or Coast Guard of the United States who is on active duty;
- (B) the Merchant Marine, the commissioned corps of the Public Health Service, or the commissioned corps of the National Oceanic and Atmospheric Administration of the United States; or
  - (C) the National Guard on activated status; and
- (b) the person communicates with the filing officer using an electronic device that allows the person and filing officer to see and hear each other.
- (3) By November 1 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of all write-in candidates who filed their declaration of candidacy with the lieutenant governor.

Amended by Chapter 169, 2014 General Session

## 20A-9-602. Write-in candidacy and voting prohibited in certain circumstances.

In elections for county attorney or district attorney that meet the requirements of Subsections 20A-6-302(2) and (3), a person may not file a declaration of candidacy as

a write-in candidate under this part and the county clerk may not count any write-in votes received for the office of county or district attorney.

Amended by Chapter 317, 2013 General Session

## 20A-9-701 (Superseded 01/01/15). Certification of party candidates to county clerks -- Display on ballot.

- (1) No later than August 31 of each regular general election year, the lieutenant governor shall certify to each county clerk the names of each candidate, including candidates for president and vice president, certified by each registered political party as that party's nominees for offices to be voted upon at the regular general election in that county clerk's county.
- (2) The names shall be certified by the lieutenant governor and shall be displayed on the ballot as they are provided on the candidate's declaration of candidacy.

Amended by Chapter 327, 2011 General Session

#### 20A-9-801. Definitions.

As used in this part, "registered political party" means a political party that has complied with the requirements of Title 20A, Chapter 8, Political Party Formation and Procedures, to become a political party officially recognized by the state.

Enacted by Chapter 22, 1999 General Session

## 20A-9-802. Western States Presidential Primary established -- Other ballot items prohibited.

- (1) (a) (i) Contingent upon legislative appropriation, there is established a Western States Presidential Primary election to be held on the first Tuesday in February in the year in which a presidential election will be held.
- (ii) A political party may participate in a regular primary election for the office of President of the United States only if there is no Western States Presidential Primary election in that year.
- (b) Except as otherwise specifically provided in this chapter, county clerks shall administer the Western States Presidential Primary according to the provisions of Title 20A, Election Code, including:
  - (i) Title 20A, Chapter 1, General Provisions;
  - (ii) Title 20A, Chapter 2, Voter Registration;
  - (iii) Title 20A, Chapter 3, Voting;
  - (iv) Title 20A, Chapter 4, Election Returns and Election Contests;
  - (v) Title 20A, Chapter 5, Election Administration; and
  - (vi) Title 20A, Chapter 6, Ballot Form.
- (c) (i) The county clerks shall ensure that the ballot voted by the voters at the Western States Presidential Primary contains only the names of candidates for President of the United States who have qualified as provided in this part.
  - (ii) The county clerks may not present any other items to the voters to be voted

upon at this election.

- (2) Registered political parties, and candidates for President of the United States who are affiliated with a registered political party, may participate in the Western States Presidential Primary established by this part.
- (3) As a condition for using the state's election system, each registered political party wishing to participate in Utah's Western States Presidential Primary shall:
  - (a) declare their intent to participate in the Western States Presidential Primary;
- (b) identify one or more registered political parties whose members may vote for the registered political party's candidates and whether or not persons identified as unaffiliated with a political party may vote for the registered political party's candidates; and
- (c) certify that information to the lieutenant governor no later than 5 p.m. on the June 30 of the year before the year in which the presidential primary will be held.

Amended by Chapter 2, 2011 Special Session 3

#### 20A-9-803. Declaration of candidacy -- Filing fee -- Form.

- (1) Candidates for president of the United States who are affiliated with a registered political party in Utah that has elected to participate in Utah's Western States Presidential Primary and who wish to participate in the primary shall:
- (a) file a declaration of candidacy, in person or via a designated agent, with the lieutenant governor between July 1 of the year before the primary election will be held and 5 p.m. on October 15 of the year before the primary election will be held;
- (b) identify the registered political party whose nomination the candidate is seeking;
- (c) provide a letter from the registered political party certifying that the candidate may participate as a candidate for that party in that party's presidential primary election; and
  - (d) pay the filing fee of \$500.
- (2) The lieutenant governor shall develop a declaration of candidacy form for presidential candidates participating in the primary.
- (3) An agent designated to file a declaration of candidacy may not sign the form described in Subsection (2).

Amended by Chapter 317, 2013 General Session

### 20A-9-804. Registration with county clerk.

- (1) Registration to vote in the Western States Presidential Primary election shall be conducted as provided in Title 20A, Chapter 2, Voter Registration.
- (2) The county clerk shall record the names of person registering to vote during that period in the official register and direct the election judges to allow those persons to vote in the Western States Presidential Primary election if they present themselves at the voting precinct on election day.

Amended by Chapter 329, 2008 General Session

## 20A-9-805. Closed primary -- Determining party affiliation -- Changing party affiliation.

- (1) If a registered political party has restricted voting for its presidential candidates as authorized by Subsection 20A-9-802(3)(b), the lieutenant governor shall direct the county clerks and other election officials to allow only those voters meeting the registered political party's criteria to vote for that party's presidential candidates.
- (2) (a) For each person who registers to vote on or after May 3, 1999, the county clerk shall:
- (i) record the party affiliation designated by the voter on the voter registration form as the voter's party affiliation; or
- (ii) if no political party affiliation is designated by the voter on the voter registration form, record the voter's party affiliation as "unaffiliated."
- (b) Any registered voter may designate or change the voter's political party affiliation by complying with the procedures and requirements of Section 20A-2-107 or Section 20A-9-808.

Enacted by Chapter 22, 1999 General Session

#### 20A-9-806. Ballots.

- (1) The lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties, shall:
- (a) develop paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional ballot envelopes to be used in Utah's Western States Presidential Primary;
- (b) ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, and provisional ballot envelopes comply generally with the requirements of Title 20A, Chapter 6, Part 1, General Requirements for All Ballots; and
- (c) provide voting booths, election records and supplies, and ballot boxes for each voting precinct as required by Section 20A-5-403.
- (2) (a) Notwithstanding the requirements of Subsections (1)(b) and (c), Title 20A, Chapter 6, Part 1, General Requirements for All Ballots, and Section 20A-5-403, the lieutenant governor, together with county clerks, suppliers of election materials, and representatives of registered political parties shall ensure that the paper ballots, ballot labels, ballot sheets, electronic ballots, provisional ballot envelopes, and voting booths, election records and supplies, and ballot boxes:
  - (i) facilitate the distribution, voting, and tallying of ballots in a closed primary;
- (ii) simplify the task of poll workers, particularly in determining a voter's party affiliation;
  - (iii) minimize the possibility of spoiled ballots due to voter confusion; and
  - (iv) protect against fraud.
- (b) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties shall:
- (i) mark, prepunch, or otherwise identify ballot sheets as being for a particular registered political party; and
- (ii) instruct persons counting the ballots to count only those votes for candidates from the registered political party whose ballot the voter received.

- (c) To accomplish the requirements of this Subsection (2), the lieutenant governor, county clerks, suppliers of election materials, and representatives of registered political parties may:
- (i) notwithstanding the requirements of Sections 20A-6-101 and 20A-6-102, use different colored ballot sheets for each registered political party;
- (ii) place ballot labels or ballots for each registered political party in different voting booths and direct voters to the particular voting booth for the political party whose ballot they are voting; or
- (iii) consider other means of accomplishing the objectives outlined in Subsection (2)(a).

Amended by Chapter 326, 2006 General Session

#### 20A-9-807. Combining voting precincts.

- (1) The county legislative body may combine voting precincts for Utah's Western States Presidential Primary by following the procedures and requirements of Section 20A-5-303.
- (2) The county legislative body may not combine voting precincts if the voting precincts are in different congressional districts as established by Section 20A-13-102.

Enacted by Chapter 22, 1999 General Session

#### 20A-9-808. Voting.

Voting in Utah's Western States Presidential Primary shall be conducted in accordance with the procedures of Section 20A-3-104.5.

Repealed and Re-enacted by Chapter 329, 2008 General Session

#### 20A-9-809. Counting votes -- Canvass -- Certification of results to parties.

- (1) Votes shall be counted, results tabulated, returns transmitted, ballots reviewed and retained, returns canvassed, and recounts and election contests conducted as provided in Title 20A, Chapter 4, Election Returns and Election Contests.
- (2) After the canvass is complete and the report is prepared, the lieutenant governor shall transmit a copy of the report to each registered political party that participated in Utah's Western States Presidential Primary.

Amended by Chapter 329, 2008 General Session